



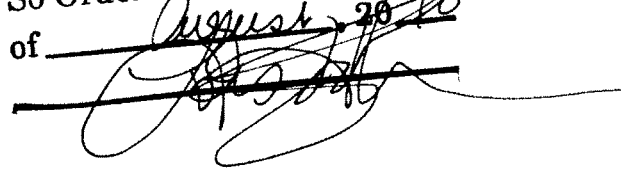
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July 30, 2010

Via ECF

Honorable Lois Goodman, U.S.M.J.
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08609

So Ordered this 6th day
of August, 2010


Re: Howard R. Lay and Joanne Lay v. Modell's Sporting Goods, et al.
Civil Action No.: 3:09-CV-04009
Our File No.: 348-1026

Dear Judge Goodman:

This firm represents defendant/third-party plaintiff SPARQ Products, Inc. i/s/a "SPARQ, Inc." ("SPARQ") and defendant Nike, Inc. SPARQ has commenced a third-party action against the product manufacturer, Wellpower Sports, based in Hong Kong ("Wellpower"). Pursuant to Your Honor's Order, dated July 13, 2010, the following will serve as an update on the status of service upon Wellpower.

On July 9, 2010, we received a letter from the Hong Kong authority, attached as Exhibit "A," requesting a revised USM-94 form. Apparently, since the Summons issued by the court was not titled "Third-Party Summons" as reflected on our initial USM-94 form, service could not be effectuated. We immediately drafted the revised form and forwarded it to the Hong Kong authority by e-mail and Federal Express. See e-mails dated July 9, 2010 and July 14, 2010, collectively attached as Exhibit "B." The documents were delivered to the Hong Kong authority via Federal Express on July 22, 2010. See tracking information attached as Exhibit "C."

On July 27, 2010, we wrote to Calvin Chan of the Hong Kong authority to inquire as to the status of service upon Wellpower. See Exhibit "D." No response has been provided.

We will continue to diligently pursue this issue with the Hong Kong authority. It is respectfully requested that SPARQ be permitted to provide an additional update to the court by August 31, 2010.

We appreciate Your Honor's time and attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Barber', with a stylized, cursive flourish at the end.

Richard E. Barber
Haworth Coleman & Gerstman, LLC

Enc.

cc: Via ECF w/enc.

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